

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 24, 2002

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J., Rico, J. (Assigned)
and D. Nolan, Deputy Clerk.

B156133 DCFS
 v.
 Maria O. & Mark N.

Argument waived, cause submitted.

B150314 John Douglas Biello
 v.
 Lynda Susan Weinman

Merits:
Argued by Gabriele Mezger-Lashly for respondent, with no appearance by
appellant. Cause submitted.

Justice Ortega leaves the bench.

B156180 Candace Pendleton
 v.
 Barry I. Fireman

Merits:
Argued by Barry Fireman, appellant in propria persona and by Gail Green
for respondent. Cause submitted.

Judge Rico (assigned) leaves the bench.

DIVISION ONE (Continued)

B150269 Crystal Lynn Morris
 v.
 William E. Blank

Merits:
Argued by Eldon S. Edson for appellant and by Michael I.D. Mercy for
respondent. Cause submitted.

Justice Mallano leaves the bench.

Justice Ortega returns to the bench.

B150981 Everest Investors 8, et al.
 v.
 Whitehall Real Estate Limited Partnership XI

Merits:
Argued by Dennis A. Kendig for appellants and by Steven W. Thomas for
respondents. Cause submitted.

Justice Mallano returns to the bench.

Judge Rico (assigned) returns to the bench.

B153031 Isabel Becerra
 v.
 Burns International Security, et al.

Merits:
Argued by Bruce M. Lorman for appellant and by Barry Bradley for
respondent Burns International, Douglas N. Harty for respondent County of
Los Angeles, and David J. Darnell for respondent Cambonga. Cause
submitted.

Justice Mallano leaves the bench.

Judge Rico (assigned) leaves the bench.

DIVISION ONE (Continued)

B148727 Margaret Thurmond DePrima
 v.
 Deborah Decker Hermann

Merits:
Argued by Carol L. Gillam for appellant and by Michael Eyerly for
respondent. Cause submitted.

B156650 Bixby Hill Community
 v.
 Rancho Los Alamitos Foundation

Merits:
Argued by Jeffrey D. Dintzer for appellant and by Gregg A. Martin for
respondent. Cause submitted.

Justice Mallano returns to the bench.

Justice Vogel leaves the bench.

B151086 City of Rancho Palos Verdes, et al.
 v.
 Mark J. Abrams

Merits:
Argued by Chris Imlay for appellant and by Gregory M. Kunert for
respondent. In open court appellant submits copy of Order from U.S.
District Court. Cause submitted.

Judge Rico (assigned) returns to the bench.

Justice Mallano leaves the bench.

B151021 Christopher J. Bagdasarian, et al.
 v.
 Deloitte & Touche, LLP

Merits:
Argued by Richard I. Wideman for appellants and by Robert A. Meyer for
respondent. Cause submitted.

July 24, 2002 – (Continued)

DIVISION ONE (Continued)

B155021 Kevin Perteete
 v.
 Sunstone Hotel Properties Inc.

Merits:

Argued by Robert F. Smith for appellant and by John J. Manier for respondent. Cause submitted.

Court adjourned.

116670-02

The HONORABLE RICHARD EDWARD RICO, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division One**, as a Justice thereof, on the following dates:

July 30, 2002 To August 20, 2002

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: July 19, 2002

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION TWO

[illegible]

The judgment is modified by vacating the two-year criminal street gang enhancement erroneously imposed pursuant to section 186.22, subdivision (b)(1) and by reversing the finding on the criminal street gang allegation. In all other respects, the judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B153707 Los Angeles County, D.C.S.
v.
Ricky P.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B148766 People (Not for Publication)
v.
Myers, et al.

The judgment is modified to stay sentence on Bole's conviction for possession of methamphetamine in count 3, pursuant to section 654, and the matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B148724 People (Not for Publication)
v.
Kopy, Jr.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B153790 Tocc, Inc. (Not for Publication)
v.
Marina City Club Condominium Owners Association

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B149976 People (Not for Publication)
v.
Price

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B154049 Los Angeles County, D.C.S. (Not for Publication)
v.
Christopher G.

The order is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B149414 People (Not for Publication)
v.
Jose F. Placencia

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B153193 Los Angeles County, D.C.S. (Not for Publication)
v.
Donald D.

The orders of the juvenile court are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B152168 Delgado-Verber
v.
J. Fletcher Creamer & Sons

Filed order denying petition for rehearing.

DIVISION SIX

B155648 People (Not for Publication)
v.
Morales

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B147405 Kaufer (Not for Publication)
v.
Chicago Title Insurance Company

The judgment is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

In the absence of a certificate of probable cause, Lawag's appeal is inoperative. (Rule 31(d); *People v. Stubbs* (1998) 61 Cal.App.4th 243, 245; *People v. Castelan* (1995) 32 Cal.App.4th 1185, 1187.) It is therefore dismissed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B151179 Merrill Lewis (Not for Publication)
 v.
 Zirk D. Engelbrecht, et al.

The judgment of dismissal of the cause of action for negligent promise is reversed and the cause remanded with directions to the trial court to overrule the demurrer to this cause of action. In all other respects the judgment is affirmed. Each party to bear its own costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

116646-02

The HONORABLE AURELIO MUNOZ, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Seven**, as a Justice thereof, on the following dates:

August 1, 2002 To August 31, 2002

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: July 10, 2002

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council